

July 16, 2010

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
July 16, 2010

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,  
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 18, 2010

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD JUNE 18, 2010?**

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	143.....	11
Agriculture .....	424.....	16
Arts Council.....	19.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,479.....	115
Children and Family Services .....	3,001.....	48
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	422.....	67
Commerce Commission.....	71.....	0
Corrections.....	11,181.....	104
Criminal Justice Authority.....	60.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	93.....	7
Employment Security.....	1,952.....	29
Environmental Protection Agency .....	917.....	17
Financial & Professional Regulation .....	491.....	41
Gaming Board.....	79.....	5
Guardianship and Advocacy .....	111.....	7
Healthcare and Family Services.....	2,284.....	25
Historic Preservation Agency .....	196.....	9
Human Rights Commission .....	14.....	2
Human Rights Department .....	146.....	8
Human Services .....	13,503.....	75
Insurance.....	231.....	11
Investment Board.....	3.....	1
Juvenile Justice .....	1,232.....	19
Labor.....	78.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission .....	2.....	0
Military Affairs .....	121.....	3
Natural Resources .....	1,254.....	24
Pollution Control Board.....	20.....	1
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	23.....	1
Public Health.....	1,075.....	43
Racing Board .....	2.....	0
Revenue .....	2,011.....	57
State Fire Marshal.....	137.....	12
State Police .....	1,320.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems .....	79.....	2
Transportation.....	2,282.....	0
Veterans' Affairs.....	1,177.....	7
Workers' Compensation Commission .....	172.....	8
TOTALS .....	47,944.....	803

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C1. Illinois Department of Natural Resources – Proposed Exemption (continued from May 21, 2010)**

Position Number	40070-12-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Franklin County

**C2. Illinois Department of Natural Resources – Proposed Exemption (continued from May 21, 2010)**

Position Number	40070-12-00-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Manager of the Illinois Coastal Zone Program
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “These positions meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D. Illinois Department of Corrections – Proposed Exemption**

Position Number	40070-29-02-800-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Medical Coordinator
Incumbent	Vacant
Supervisor	Chief of Health Services, who reports to the Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**E. Illinois Department of Human Services – Proposed Exemption**

Position Number	40070-10-76-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Mental Health
Functional Title	Administrative Services Organization (ASO) Manager
Incumbent	Vacant
Supervisor	Mental Health Program Administrator, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**F. Illinois Department of Natural Resources – Proposed Exemption**

Position Number	40070-12-00-001-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “These positions meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G. Illinois Department of Public Health – Proposed Exemption**

Position Number	40070-20-01-100-20-81
Position Title	Senior Public Service Administrator
Bureau/Division	Community Public Health Outreach
Functional Title	Managing Director of Community Public Health Outreach
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**H. Illinois Department of Revenue – Proposed Reversal of Rescission**

<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
Revenue	40070-25-50-000-00-01	Manager, Tax Enforcement

**The Department of Central Management Services respectfully requests that the Civil Service Commission reconsider and reverse its May 21, 2010 rescission of 4d(3) exempt status for 40070-25-50-000-00-01:** “At the May 21, 2010 meeting of the Civil Service Commission, the Commission acted to rescind the 4d(3) exemption status from numerous exempt positions due to extended vacancies. Unfortunately, due to administrative oversight, the position actually had an active incumbent; John Chambers was appointed to the position effective December 1, 2009. However, due to a backlog in transactions processing, his information has not yet been posted to the system although the personnel transaction has been received by the Transactions Division. If the Commission agrees to do so, it is requested that the reversal of the exemption rescission be effective May 21, 2010 to ensure this appointment remain in compliance with the Personnel Code and Rules.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C1: Deputy Director (DNR)**
- C2: Manager of the Illinois Coastal Zone Program (DNR)**
- D: Medical Coordinator (DOC)**
- E: Administrative Services Organization Manager (DHS)**
- F: Chief of Staff (DNR)**
- G: Managing Director of Community Public Health Outreach (DPH)**

**WILL THE COMMISSION RECONSIDER AND REVERSE ITS MAY 21, 2010 RESCISSION OF 4D(3) EXEMPT STATUS FOR THE FOLLOWING POSITION, SUCH REVERSAL TO BE RETROACTIVE TO MAY 21, 2010?**

- H: Manager, Tax Enforcement (DOR)**

**V. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES EXEMPT FROM JURISDICTION B OF THE PERSONNEL CODE**

**VI. CLASS SPECIFICATIONS**

- None submitted.

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**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

VII. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

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VIII. RECONVENE MEETING

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	<b>5/31/10</b>	<b>6/30/10</b>	<b>6/30/09</b>
Agriculture	0	<b>0</b>	1
Central Management Services	0	<b>0</b>	2
Children and Family Services	6	<b>5</b>	12
Criminal Justice Authority	0	<b>0</b>	1
Employment Security	2	<b>5</b>	6
Healthcare and Family Services	0	<b>1</b>	16
Historic Preservation Agency	1	<b>0</b>	0
Human Services	2	<b>2</b>	1
Law Enforcement Training Standards Board	0	<b>0</b>	1
Natural Resources	0	<b>0</b>	15
Property Tax Appeal Board	1	<b>4</b>	2
Revenue	0	<b>1</b>	1
State Retirement Systems	0	<b>1</b>	0
Transportation	0	<b>1</b>	3
Veterans' Affairs	0	<b>0</b>	1
Workers' Compensation Commission	0	<b>0</b>	1
<b>Totals</b>	12	<b>20</b>	63

X. INTERLOCUTORY APPEAL

**GT-50-09 (continued from June 18, 2010 meeting)**

Employee	Terese E. Burton	Appeal Date	06/26/09
Agency	DFPR	Decision Date	05/26/10
Type	Geographical Transfer	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (relocation was not a geographical transfer as set forth in the Personnel Code and Rules)	Proposal for Decision	Grant Motion to Dismiss.

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**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

**DA-28-10**

Employee	Yuri A. Simmons	Appeal Date	12/28/09
Agency	DOC	Decision Date	07/02/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Charges are proven and warrant discharge.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

**S-29-10**

Employee	Jamara M. Rogers	Appeal Date	01/07/10
Agency	DCFS	Decision Date	06/18/10
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Failure to perform duties	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (settled).

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, August 20, 2010 at 11:00 a.m. in the Commission's Chicago office.**

XV. MOTION TO ADJOURN